



Temple Quarter Enterprise Zone

Local Development Order for temporary urban agriculture on the former Diesel Depot, Bath Road

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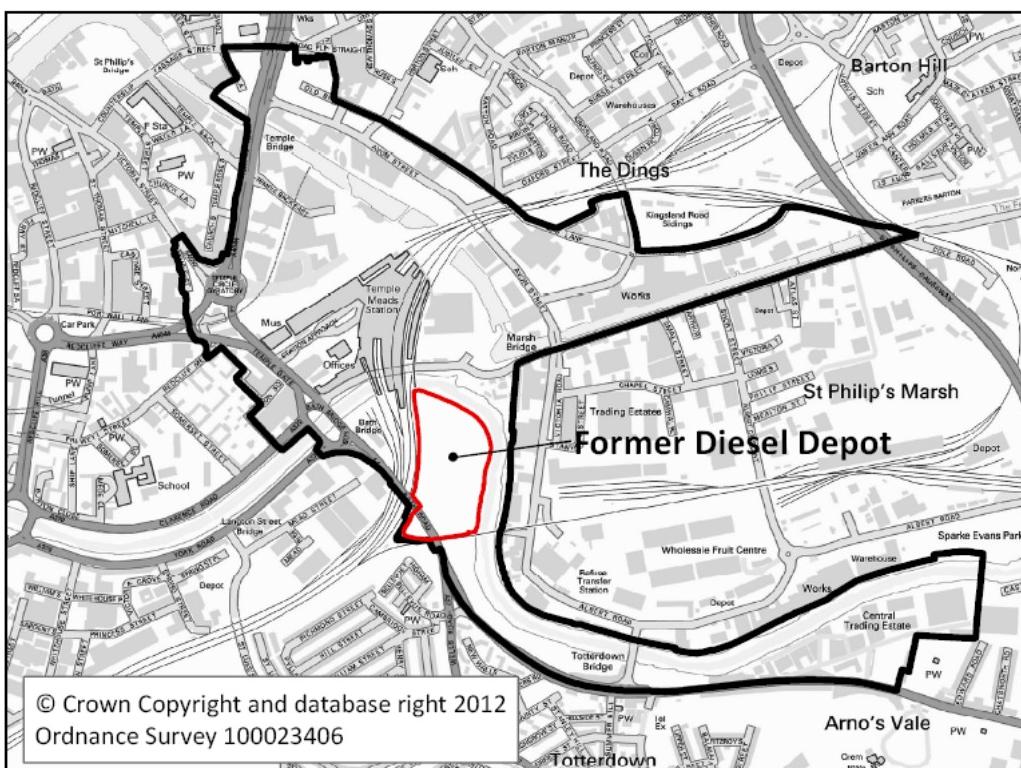
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1 Local Development Order

Introduction

- 1.1 In June 2011, the West of England Local Enterprise Partnership announced a new Enterprise Zone to stimulate jobs and business growth and new development in the Temple Quarter district of Bristol. Bristol City Council wants to simplify planning processes in the Enterprise Zone whilst promoting and maintaining good standards of development. Local Development Orders (LDO) are one of the ways in which planning is being simplified in order to facilitate appropriate development.
- 1.2 This LDO grants planning permission for temporary urban agriculture on the former Diesel Depot in accordance with 1.5-1.33 below and subject to conditions (1) to (9). The LDO does not remove the requirement for advertising consent or consents obtained under other legislation such as Building Regulations and Licensing. Proposals should have regard to the Environmental Protection Act 1990, the Waste (England and Wales) Regulations 2011, the Equality Act 2010 and any other relevant legislation covering the growing and selling of food.
- 1.3 The LDO will expire on 30 November 2014. At that date, or at an earlier date when agricultural uses cease, any operational development carried out under the LDO must be removed from the site in accordance with condition (1). The council may choose to revise or revoke the LDO at any time.
- 1.4 A statement of reasons for making the LDO is provided in section 2. The boundary of the site to which the LDO applies is defined in section 3 and illustrated on the location map below.

Location of LDO site within Temple Quarter Enterprise Zone



Development permitted by the LDO

- 1.5 Urban agriculture is permitted on the site along with certain types of operational development required to allow this use on a temporary basis, subject to conditions (1) to (9).
- 1.6 The following uses are allowed:
 - farming of food crops,
 - allotment gardens,
 - community orchard,
 - farming of fuel crops for sustainable energy generation,
 - composting of surplus/waste organic materials, but only those generated on the site.
- 1.7 The following uses are not considered appropriate and structures to support these uses are not allowed:
 - keeping or breeding of livestock or any other animals,
 - storage or processing of manure or any agricultural waste products other than compost,
 - extraction of material from the land.
- 1.8 In recognition of the temporary nature of the use and the unsuitability of the land for direct cultivation, any planting in raised beds or direct onto the surface must consist of a minimum of 400mm of growing medium laid on a high visibility geo-textile membrane or capillary-break layer in accordance with condition (7).
- 1.9 Temporary structures are permitted on the site in order to support the agricultural uses allowed by this LDO at 1.6 above. The following structures are permitted subject to receipt by the Local Planning Authority of written notification in accordance with condition (2):
 - sheds of up to 10 cubic metres for storage of equipment, materials and services associated with the agricultural use,
 - raised beds or containers for the growing of plants,
 - compost bins or containers of up to 10 cubic metres,
 - fencing of up to 2 metres in height,
 - permeable hard surfaces other than those to be used for vehicle parking.
- 1.10 Buildings or structures associated with the agricultural use of the site but not listed above are permitted by this LDO subject to Prior Approval by the council of certain details in accordance with condition (3). Plans and information will need to be submitted to the council leading to a decision within 15 working days. A full set of submission requirements is provided in section 4 of this LDO.
- 1.11 Limited excavation of the land is permitted where buildings, structures or utilities are proposed to support urban agriculture subject to the requirements of condition (8).
- 1.12 Planning permission is also granted for buildings to accommodate ancillary uses and microgeneration subject to Prior Approval of the design in accordance with condition (3).

1.13 Proposals submitted under Prior Approval arrangements are likely to be acceptable if they meet the general guidance set out at 1.14 to 1.33 below and other council policies and guidance such as the Bristol Local Plan 1997, Core Strategy 2011 and supplementary planning guidance which are available on the council's website via www.bristol.gov.uk/planningpolicy. Where the details submitted are not acceptable to the council but amendments can resolve matters the council will extend the period for a decision to avoid the need for a totally fresh submission.

Design of proposals and advice to support conditions

1.14 The council welcomes proposals that achieve good standards of design, sustainable construction, access and layout. The proximity of the railway is also a key consideration and no work should be carried out on the site that may endanger the safe operation of the railway or the stability of Network Rail's structures and adjoining land.

Access arrangements

1.15 Access to the site for both vehicles and pedestrians is currently via to a ramp off Bath Road. Any significant quantity of traffic movement at this location could have an adverse impact on the local road system. Condition (4) therefore aims to limit public access to the site by restricting sale of produce directly to the public, while condition (5) restricts parking on the site other than to facilitate servicing. The operator of the site is also required to produce a travel and traffic plan for approval by the council within 3 months of the first occupation in accordance with condition (6). This will set out measures to ensure that safe and sustainable modes of transport are used to access the site.

Bridge building compound and access

1.16 In 2011 the council granted planning permission (subject to a signed Section 106 agreement) for a bridge linking the Diesel Depot with Cattle Market Road. The space requirements of the bridge building project will need to be considered in the layout and access arrangements of any urban agriculture proposals.

Buildings and structures

1.17 The LDO allows for development of certain temporary structures listed at 1.9 to be carried out following notification of the Local Planning Authority. The LDO also allows for other temporary structures on the site, subject to Prior Approval of the design in accordance with condition (3). As a guideline, structures of up to 6 metres or 2 storeys in height (including any plinth or raised ground levels) are likely to be acceptable. Developers should refer to the council's Environmental Access Standards (2006) and English Heritage's guidance on temporary structures¹ in drawing up their designs.

1.18 There must be no structures within 8 metres of the top of the bank of the watercourse unless Flood Defence Consent is obtained from the Environment Agency.

¹ www.english-heritage.org.uk/publications/guidance-on-temporary-structures-for-events

- 1.19 There should be no buildings within 2 metres of the boundary with Network Rail property and any building, structure or heaped materials should be located at a distance from the boundary of not less than the height of the feature to avoid the risk of toppling and damaging or breaching the boundary. Materials must not be heaped against the boundary fence and appropriate measures should be taken to ensure that dust or litter does not blow onto railway land.
- 1.20 It is advised that any sheds or buildings are elevated above the ground on concrete pads or a plinth that will allow venting of gases or vapours that may rise up through the soil.
- 1.21 Any scaffold which is to be constructed within 10 metres of the railway boundary fence must be erected in such a manner that at no time will any poles over-sail the railway and protective netting around such scaffold must be installed. Any scaffold to be retained as part of the urban agriculture proposal will require Prior Approval under condition (3).
- 1.22 Any proposed public art structures on the site will require Prior Approval under condition (3).

Surface preparation and site drainage

- 1.23 Development, including any proposed drainage features, should be designed to limit the need for excavation in order to avoid disturbance of possible contaminants within the site. Excavations other than the installation of footings or service trenches for electricity or water supply will require Prior Approval in accordance with condition (8). If proposals involve significant changes to ground levels in areas adjacent to railway land or structures then the council will consult Network Rail.
- 1.24 Any excavated material to be stored on the site should be stored in a geotextile membrane and be covered to prevent contamination of the land and reduce possible leaching of contaminants. Please note that if excavated material is to be stored on the site the operator will need to apply for a waste exemption permit through the Environment Agency 'S2 – Storage of Waste in a Secure Place'.
- 1.25 Any hardstanding should utilise permeable materials to help replicate the existing drainage situation as much as reasonably practical. As indicated in condition (8) installation of a formal drainage system will be discouraged and any drainage features using infiltration methods, such as soakaways, will need to be sited carefully to avoid areas of soil contamination. Infiltration drainage would not be appropriate unless it is demonstrated that there are no unacceptable risks to ground water. Soakaways should not be constructed within 10 metres of Network Rail's boundary and any additional flows of surface water should not be discharged onto Network Rail's land, culvert or drains.
- 1.26 Site operatives are encouraged to use water storage and re-use facilities such as water butts to accommodate surface water runoff from any roofs or coverings. Overflow from water storage features should be directed away from footpaths and other operational areas to avoid creating a hazard.

Servicing

- 1.27 Details of vehicular servicing arrangements for operational development must be submitted to the council for Prior Approval in accordance with condition (3).
- 1.28 Any lighting on the site will need to be designed to avoid impacting on the adjacent railway and highway in accordance with condition (9). Where compatible with safety requirements lighting design should also avoid impacting on the adjacent river corridor in order to prevent any detrimental impact on wildlife.
- 1.29 Operators should provide toilets and washing facilities for staff and visitors in accordance with the relevant legislation. Prior Approval arrangements under condition (3) will apply to any structure to accommodate services other than a shed of up to 10 cubic metres in size.

Methods of cultivation

- 1.30 In relation to farming techniques and materials, proposals should have regard to all relevant legislation as indicated at paragraph 1.2. The use of organic farming techniques and recycled materials are particularly supported by the LDO.
- 1.31 Any food or other plants grown on the site may be situated in raised beds or containers. Non-contaminated salvaged timber, skips and other recycled materials would all be considered acceptable for this purpose.
- 1.32 If proposals involve the planting of trees please seek further advice from the Local Planning Authority on appropriate types and siting arrangements. Any trees should be located at a distance of not less than their height from the boundary with Network Rail land. It is advised that trees should be situated in containers to avoid disturbing the surface of the site.

Boundary fencing

- 1.33 The operator of the site is responsible for ensuring that adequate fencing is provided for safety and security purposes. Any fencing over 2 metres in height will require Prior Approval of the design and treatment in accordance with condition (3). The council would also support alteration of the boundary hoardings along Bath Road to allow a view into the site for passing pedestrians, subject to an adequate safety barrier being retained for all road users.

Conditions

Time limit for temporary uses

- (1) Development will only be deemed LDO compliant if it is carried out by 30 November 2014, and at that date or at such a time as agricultural uses cease (whichever the earlier):
 - any operational development allowed by the LDO shall be removed from the land unless otherwise agreed in writing by the Local Planning Authority, and
 - the land shall be returned to its condition at the time the LDO was adopted unless an alternative condition is agreed in writing with the Local Planning Authority.

Confirmation of commencement of development

- (2) Any agricultural use of the land will only be deemed LDO compliant on receipt by the Local Planning Authority of a written notification setting out the contact details and the identity of the person(s) or organisation(s) carrying out the development and the date the development will commence.

Buildings and structures

- (3) Any operational development (including any drainage works) on the site other than: sheds and compost bins of up to 10 cubic metres, raised beds or containers for the growing of plants, fencing of up to 2 metres in height or permeable hard surfaces other than for vehicle parking, will only be deemed LDO compliant following submission and subsequent Prior Approval by the council in writing of the proposed details of the layout, design, vehicular and pedestrian access and landscaping of the development including details of:
- vehicular servicing arrangements and vehicle and bicycle parking areas,
 - refuse and recycled materials storage and management,
 - sustainable drainage,
- and if the development is carried out in full accordance with the details approved unless otherwise agreed in writing with the Local Planning Authority.

A full list of submission requirements is provided in section 4.

Limitations on vehicular access to the site

- (4) There shall be no sale of produce directly to the public at the site or any pick your own arrangements.
- (5) No vehicle parking except for servicing shall take place on the site other than any approved by condition (3).
- (6) Within 3 months of the first occupation of the site for agricultural use or any works or operations associated with the installation of any buildings, infrastructure or works to support the agricultural use (which ever is sooner) a travel and traffic plan will be approved in writing by the Local Planning Authority setting out the measures to be put in place to encourage access to the site on foot, by bicycle or public transport and how any other operational or non-operational motorised transport to the site will be minimised. The site shall be operated thereafter in accordance with the approved travel and traffic plan unless otherwise agreed in writing by the Local Planning Authority.

Contamination

- (7) Any landscaping or planting in raised beds or direct onto the surface must consist of a minimum of 400mm of growing medium laid on a high visibility geo-textile membrane or capillary-break layer.
- (8) No ground excavations (including any surface water drainage proposals) should take place without Prior Approval by the Local Planning Authority in writing of details including a contaminated land assessment, except for:
- the installation of concrete footings for temporary buildings and structures,

- utilities service trenches for electricity and water supply purposes that have been enclosed with clean inert fill,
- and any ground excavations carried out under the Prior Approval arrangements shall be in full accordance with the details approved. All excavated waste arising shall either be stored on the site and back-filled or sent to appropriate landfill as defined by the Waste (England and Wales) Regulations 2011 unless otherwise agreed in writing by the Local Planning Authority.

Light pollution

- (9) No lighting shall be positioned or directed so as to endanger persons using any highway or railway or obscure or hinder the ready interpretation of any traffic sign or railway signal.

Monitoring and enforcement

- 1.34 Following written notification or approval of any proposals under the provisions of the LDO the council will monitor any subsequent development on the site to ensure compliance with the LDO and its conditions.
- 1.35 If development is carried out that is not in full accordance with the LDO and its conditions then the council will assess the development as for any other unauthorised development. This may lead to enforcement action being taken if the matter cannot be resolved in other ways such as the granting of retrospective planning permission or changes to the development to meet guidance and policy.

2 Statement of reasons

Temple Quarter Enterprise Zone

- 2.1 In June 2011, the West of England Local Enterprise Partnership announced a new Enterprise Zone to stimulate business growth and new development in the Temple Quarter district of Bristol. The government's Enterprise Zone initiative offers a range of benefits to developers and occupiers including business rates discounts for up to 5 years from April 2012. Bristol City Council is also developing a simplified planning approach to assist development in the zone. This will include an enhanced Development Management service, a Spatial Framework and LDOs allowing certain developments to occur without the need for a planning application.

Temporary uses

- 2.2 The Enterprise Zone contains a number of vacant and underused sites, particularly in the immediate vicinity of Temple Meads train station. Careful planning and redevelopment of these sites are essential if the area is to achieve its potential as a regional focus of transport, commerce and culture. Development will aim to deliver economic growth and innovation in high quality, well connected places.
- 2.3 Despite the strategic location of Temple Quarter, some sites are unlikely to attract development immediately due to market constraints and the need to properly plan development to the wider benefit of the Enterprise Zone. Nevertheless, it may be possible for vacant or underused sites to perform as an economic or community asset in the short-term by accommodating temporary uses.
- 2.4 By opening up development areas to temporary uses the council wants to allow innovative and creative ideas to grow in a low risk environment. An LDO has already been adopted permitting temporary structures, performance space, pop up shops, markets, restaurants and flexible work space on a prominent site known as 'Plot 3'. This second LDO continues to support creative community enterprise by permitting temporary urban agriculture on the former Diesel Depot site south of Temple Meads. The site, which is owned by the Homes and Communities Agency, is available to accommodate temporary uses for several years while long term development plans are drawn up.

Site location

- 2.5 The LDO covers 3.7 hectares of land on the former Diesel Depot site to the south of Temple Meads railway station. The A4 Bath Road crosses the southwest corner of the site on a road bridge and from here a curved access ramp leads to the southern edge of the site. The ramp, which is currently closed to public access, is highly constrained in terms of its location. The current highway configuration also means that vehicles entering the site must cross a bus lane and pavement along a gradual bend to the left on a section of road that is often fast-moving. Any significant quantity of traffic movement could have an adverse impact on the local road system. Temporary development therefore needs to be limited to uses that will not require a great deal of vehicular access and where access restrictions can be put in place.

- 2.6 Along the western boundary of site is the mainline railway running from Bristol Temple Meads to the South West of England. Another railway line runs along the south of the site and at the southeast corner is a railway bridge crossing the River Avon into the industrial area of St Philips Marsh. The River Avon runs around the north and east boundary of the Diesel Depot, with a zone of vegetation along the river bank. The river bank also features a wall and archways which are retaining the site from the River Avon below.
- 2.7 The site is relatively flat and has been previously raised but remains approximately 5 metres below the level of Bath Road and is not visible from the road. The site is more prominent when viewed from the St Phillips Greenway / Avon Walkway on the opposing river bank which is some 5 metres below the level of the Diesel Depot. The site is also visible from Platform 13 of Temple Meads railway station and from the derelict Post Office Sorting Office on Cattle Market Road.
- 2.8 The surrounding area to the north, west and east is primarily commercial/industrial in character. Approximately 100 metres to the south is the residential area of Totterdown.

Planning history

- 2.9 The site has previously been used as a railway depot and for other industrial processes including a colour works and gasworks. Until the 1990s the site accommodated railway tracks, fuel tanks and buildings associated with the former uses. In October 1998 the Office of the Rail Regulator approved an application to discontinue the use of the site as part of the rail network, thereby confirming that the land was no longer required for strategic railway purposes. In 2003 the South West Regional Development Agency (SWRDA) acquired the site and subsequently cleared and remediated it to make way for a planned 8-10,000 seat indoor arena with supporting development including residential and leisure uses. These proposals were found to be financially unviable and were unable to proceed. However, the access and infrastructure proposals are still being progressed in order to make the site more attractive for potential future developers. In 2011 planning permission was granted subject to a signed S106 planning agreement for a vehicle, pedestrian and cycle bridge into the site from Cattle Market Road/Feeder Road.
- 2.10 Bristol's Core Strategy (adopted 2011) identifies the former Diesel Depot as one of three extensions to the City Centre policy area. Within the City Centre a mixture of uses are promoted including offices, residential, retail, leisure, tourism, entertainment, arts and cultural facilities.
- 2.11 In 2011 the land was transferred to the Homes and Communities Agency and the Agency invited expressions of interest from creative organisations to bring life and activity to the site on a temporary basis.

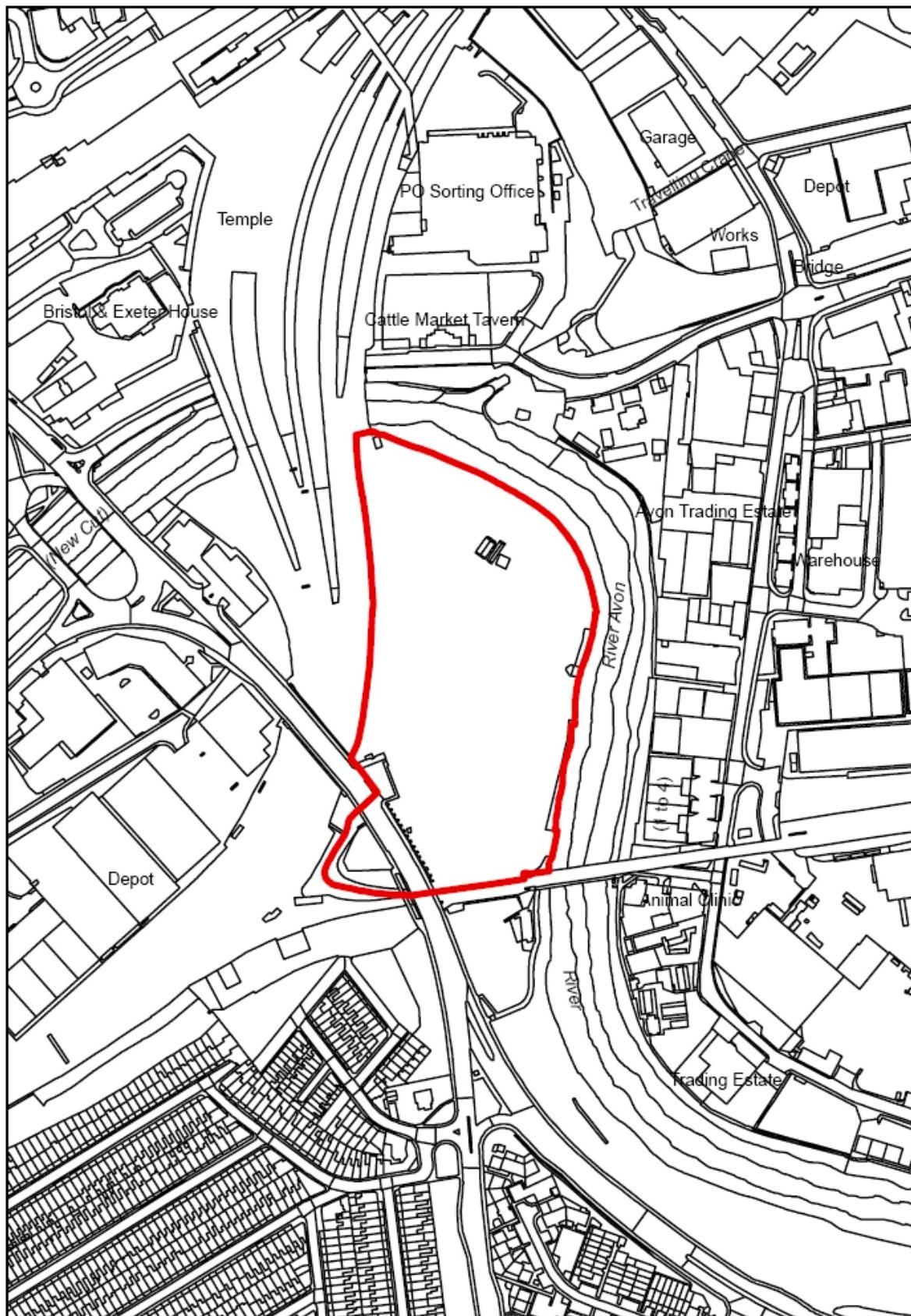
Description of development permitted by the LDO

- 2.12 The change of use of any land for the purposes of agricultural does not require planning permission. However, on agricultural land planning permission is required for certain structures, whilst others are subject to the prior notification procedure and others are permitted development. Development rights are more constrained when the agricultural uses cover an area smaller than 5 hectares or are located within 400 metres of a protected building. The LDO site is only 3.7 hectares in size and is located in close proximity to the listed buildings of Temple Meads railway station. Consequently permitted development rights are restricted. This LDO therefore aims to provide clarity by permitting appropriate forms of development and providing guidance on the types of agricultural use and associated structures that the Local Planning Authority considers appropriate in this location.
- 2.13 The LDO supports agricultural uses that involve the growing of plants and food. It does not however support the keeping of livestock or the storage of agricultural waste products or fertiliser other than compost. Buildings for livestock or storage of slurry or similar waste would require planning permission owing to the proximity of listed buildings. The LDO does not grant permission for buildings for these uses. Furthermore, if it is proposed to keep livestock on the land then licensing will be required and the council may need to enforce Section IIA of the Environmental Protection Act regarding contaminated land (see 2.16 below).
- 2.14 Due to the size of the site most new agricultural buildings or structures require planning permission and this permission is granted by the LDO subject to the requirements of paragraphs 1.9-1.10 and conditions (2) and (3).
- 2.15 To complement the use of the site for urban agriculture the LDO also permits buildings for ancillary uses in accordance with paragraph 1.12 and condition (3). These buildings would, for example, include welfare facilities for workers and site administration. However, in order to minimise the levels of traffic accessing the site it has been necessary to restrict vehicle parking on the site and to require that the site is not used for sale of produce directly to the public. Microgeneration is also supported as part of the proposal.
- 2.16 Owing to the past use of the Diesel Depot for contaminating uses, remediation has been carried out to a certain standard to prevent pollution of the surrounding environment. However, there is still a possibility that contamination remaining in the land would cause harm to people or animals. Any proposal for urban agriculture that is not in accordance with the terms of this LDO may require further remediation to be carried out under Section IIA of the Environmental Protection Act 1990.

Listed buildings

- 2.17 An LDO must not grant planning permission for development affecting a listed building. Although the site is relatively isolated it is located adjacent to Temple Meads railway station, much of which is Grade 1 listed. The setting of the station buildings is an important consideration in the making of this LDO and proposals have been designed to avoid any negative impact.

3 LDO boundary



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Ordnance Survey 100023406

4 Submission requirements

- 4.1 A flowchart summarising the LDO submission and approval process is provided in section 5.
- 4.2 If proposals meet the requirements of condition (2) please submit to the council a written notification setting out the contact details and the identity of the person(s) or organisation(s) carrying out the development and the date the development will commence.
- 4.3 If proposals require Prior Approval of operational development please submit to the council a written statement with supporting plans as set out in condition (3) and at 4.7-4.10 below to enable the council to fully understand and assess your proposals. All plans must be accurately drawn using a conventional scale.
- 4.4 If Prior Approval of proposed excavations is required under condition (8) please consult the council's Pollution Control Team (details below) for advice in order to provide a contaminated land assessment.
- 4.5 The information should be submitted to the Major Schemes Team in electronic form. You are encouraged to contact the team for informal advice on whether proposals are likely to meet the requirements of the LDO and planning policies and guidance, before making a formal submission.

Address: Major Schemes Team, Development Management, City Development, Bristol City Council, Brunel House, St George's Road, Bristol, BS1 5UY

Telephone: (0117) 9223048, 9222967 or 9223010

Email: tgezplanningenquiries@bristol.gov.uk

- 4.6 The council's Pollution Control Team can provide developers and occupiers with further advice and support regarding ground conditions and potential contamination within the site.

Address: Environmental Protection, Bristol City Council, Brunel House, St Georges Road, Bristol, BS1 5UY

Telephone: 01179 223330

Email: pollution@bristol.gov.uk

Submission for Prior Approval under condition (3)

Applicant details

- 4.7 Name, Company, Address, Postcode, Telephone, Email

Description of development

- 4.8 Please describe the proposed operational development including details of any buildings, excavations including drainage works, art installations, fencing or other structures, the activities to be accommodated, the proposed floorspaces and areas involved (m^2), access arrangements and materials to be used.

Block plan

- 4.9 Please provide a block plan to a scale not less than 1:200 which shows a detailed layout of the whole site and the relationship of the proposed works with the site boundary, Bath Road and the railway tracks. Applications will need to provide an existing and a proposed site layout. The plan should be drawn at an identified standard metric scale and should accurately show:
- the direction of north,
 - the proposed development in relation to the site boundaries and other existing buildings on the site,
 - the activities and functions to which buildings, structures and external areas are to be put,
 - the extent and type of any hard surfacing, for example parking spaces, turning areas, paths and location of refuse and recycling facilities including the method of surface water drainage, cycle parking and vehicular servicing,
 - boundary treatments, including position and height of walls and fencing where these are proposed,
 - identify anything to be demolished.

Proposed elevations

- 4.10 Please provide elevation drawings showing what the buildings or structures will look like from the outside. Elevation drawings should:
- be to a scale of 1:100 or 1:50,
 - show every elevation of the building or structure, for example front, side(s) and rear, and state the direction in which each elevation faces, for example ‘rear (south)’,
 - show the property boundary,
 - indicate the colour and type of finishing materials to be used (for example colour and type of brick, render, roof tiles, windows/doors etc), this should include the roof covering.

5 Flowchart illustrating LDO process

- 5.1 This flowchart is a summary of the submission and approval process to be carried out in relation to the LDO and must be read in association with the whole document. Please note that to be compliant with the LDO development must comply with all conditions of the LDO. The council is providing a 15 working day decision process for detailed items that have to be submitted for Prior Approval.

